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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,435	05/15/2006	Zhengzhong Wang	42505200124	7848
23643 7590 04/10/2007 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/10/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,435	WANG, ZHENGZHONG	
	Examiner	Art Unit	
	Jason S. Morrow	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/07</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: Applicant uses the term "workbench" throughout the specification. It is unclear what the applicant is referring to and it appears to be a translational error. It is assumed for purposed of examination that the applicant is referring to a bench seat.

Appropriate correction is required.

Claim Objections

3. Claims 1 and 2 are objected to because of the following informalities: In claim 1, line 2, the word "be" should be changed to --being--. In claim 2, in line 5, the word "thread" should be changed to --threaded--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, a rear workbench is claimed in alternative to a rear surrounding border. Dependent claims 2, 3, 7, and 9-13 refer to only the rear workbench without positively establishing that a rear workbench is claimed.

In claim 1, line 11, a raising and lowering device is claimed. In dependent claims 4, 7, and 9-13 raising and lowering devices are claimed. There is lack of antecedent basis the plural devices claimed in claims 4, 7, and 9-13.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Coursault (US Patent 3,479,079).

Re claim 1, Coursault discloses a roof cover plate for the cabin of a car, a front windshield being provided at the front side of the cabin (inherent to the reference), a rear workbench or rear surrounding border being provided at the rear side of the cabin, and car door frames (as seen in figure 1) being provided at the left and right sides of the cabin, an surrounding border of the cabin being formed by connecting the car door frames with the front windshield at

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the front side and connecting the car door frames with the rear workbench or the rear surrounding border at the rear side, wherein the front end of a cover panel (18) being hinged to the upper portion of said surrounding border of the cabin (as seen in figure 1), and the cover panel being provided with a rear windshield (as seen in figure 1) at its rear portion, the cover panel and the rear windshield forming an integral roof cover plate of the cabin, an extendable and retractable enclosure plate (24, 25) being provided under the roof cover plate of the cabin, the lower end of the extendable and retractable enclosure plate being connected with the surrounding border of the cabin, a raising and lowering device (4, 2) being provided under the rear end of the roof cover plate of the cabin (at 6).

Re claim 4, the roof cover plate of the cabin and the extendable and retractable enclosure plate are respectively provided with the raising and lowering devices which are respectively provided under the rear end of the roof cover plate of the cabin and the rear end of the extendable and retractable enclosure plate (at 6).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coursault (US Patent 3,479,079).

Coursault does not disclose the material of the extendable and retractable enclosure plate.

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The examiner takes Official Notice that the use of canvas is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct an extendable and retractable enclosure plate, such as that disclosed by Coursault, from canvas, as is old and well known in the art, in order to construct the enclosure plate from a well known and easily obtainable material.

10. Claims 3, 5-7, and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coursault (US Patent 3,479,079) in view of Wingen (US Patent 3,378,298).

Coursault discloses all the limitations of the claims, as applied above, except for the raising and lowering devices comprising hydraulic cylinders.

Wingen teaches the use of a raising and lowering device (9) provided under the rear end of a roof cover plate of a cabin comprising a hydraulic cylinder which is provided on the left door frame at the rear side of the left door frame, the hydraulic cylinder being provided with a push rod, and the upper end of the push rod being hinged to the rear end of the roof cover plate, the raising and lowering device being hinged to the door frames at the rear side of the door frames, and the push rod being a piston rod.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify a roof cover plate, such as that disclosed by Coursault, to have the use of a raising and lowering device provided under the rear end of the roof cover plate of the cabin comprising a hydraulic cylinder which is provided on the left door frame at the rear side of the left door frame, the hydraulic cylinder being provided with a push rod, and the upper end of the push rod being hinged to the rear end of the roof cover plate, the raising and lowering device

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being hinged to the door frame at the rear side of the door frame, and the push rod being a piston rod, as taught by Wingen, in order to provide a convenient way for the user of the vehicle to raise the roof cover plate.

Coursault and Wingen do not disclose the raising and lowering devices being provided on the rear side of the workbench, although it is inherent to the Coursault reference that it includes a workbench (the examiner is assuming for examination purposed that applicant is referring to a seat and the use of the term “workbench” is a translational error).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the raising and lowering devices being provided on the rear side of the workbench since it has been held that rearranging parts of an invention involves only routine skill in the art. See *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Coursault and Wingen do not disclose the use of hydraulic cylinders on both the right and left hand side of the vehicle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include both left and right hydraulic cylinders, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. See *In re Harza*, 124 USPQ 378 (CCPA 1960).

Allowable Subject Matter

11. Claims 2 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beckmann et al., Holka et al., Couto, Majeski, Pearlman, Tyree et al., Davis, Freeman, Okada, McRay, Borchers, Herndon, and Okamoto disclose expansible vehicles.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 1, 2007

Jason S. Morrow
Primary Examiner
Art Unit 3612


JASON MORROW
PRIMARY PATENT EXAMINER

4/1/07